

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

**RECOVERY LIMITED PARTNERSHIP,
Plaintiff,**

v.

Civil Action No.: 2:87-cv-00363

**UNIDENTIFIED, WRECKED AND ABANDONED
SAILING VESSEL, etc.,
Defendant.**

ORDER

This matter comes before the Court on the motion of Recovery Limited Partnership (RLP), ECF No. 306, pursuant to local rules and at the direction of this Court, to file under seal the document marked as Exhibit 1 to the memorandum in support of motion to file under seal. Exhibit 1 is a Declaration of Craig T. Mullen. Upon consideration of the motion and related filings, the Court is of the opinion that the motion should be granted.

There are three requirements the Court must consider for sealing court filings: (1) public notice with opportunity to object;* (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

The Court FINDS that the Declaration attached as Exhibit 1 to the memorandum in support of the motion to seal contains sensitive commercial information that is confidential in nature for RLP and Eclipse Group, Inc.; that public notice has been given; that no objections

* See ECF Nos. 306, 307, and 309, filed January 1, 2024, on the public docket. No objections have been filed to date.

have been filed; that the public's interest in access is outweighed by the interests in preserving the confidentiality of this commercially-sensitive information; and that there are no less drastic alternatives that appropriately serve these interests.

Accordingly, the Motion to Seal is GRANTED. The Court ORDERS that Exhibit 1 to the memorandum in support of motion to seal shall be and is hereby sealed and omitted from public filing. This document shall remain sealed until 90 days after a final order is entered in this case and then, unless the case is appealed, be returned at that time to counsel for the filing party.

This 14th day of February, 2024.

/s/
Rebecca Beach Smith
Senior United States District Judge
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Senior United States District Judge